

TCA 68-120-113. Municipal and county fire prevention and building officials – Certification – Penalties –

(a)(1) After July 1, 1994, all municipal and county fire prevention and building officials having jurisdiction to enforce the provisions of this chapter shall receive certification from the state fire marshal before enforcing applicable building and fire codes. An application for certification shall be filed with the state fire marshal on a form to be developed by the state fire marshal. A fire safety or building inspector employed on July 1, 1994, shall have up to twelve (12) months to receive certification following July 1, 1994, and any fire safety or building inspector hired after July 1, 1994, shall have up to twelve (12) months from the date of employment to receive certification. The state fire marshal shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act compiled in title 4, chapter 5, relative to the standards and qualifications for certification. Such rules and regulations shall require proof satisfactory to the state fire marshal that the candidate understands all applicable building and fire codes.

(2) The state fire marshal shall recognize and accept certification from the Southern Standard Building Code Congress International as satisfying the standards and qualifications for certification of municipal and county fire prevention and building officials. The state fire marshal may also recognize and accept certification from other appropriate professional building and fire code organizations. Any person shall be deemed to meet the requirements of this chapter who has been continuously employed as a municipal or county building inspector for a period of seven (7) years or more and who has attained sixty (60) years of age; or who has been a municipal or county building inspector for at least one (1) year, has attained fifty (50) years of age and was licensed by the state as an electrical, plumbing or heating/air conditioning contractor prior to July 1, 1993. Upon the filing of the application required by subdivision (a)(1), accompanied by the requisite fee, and a resolution by the governing body of the employing municipality or county affirming that the applicant is performing the applicant's duties satisfactorily, the state fire marshal shall issue certification in the same form as provided for other applicants.

(b) Certification as a fire safety or building inspector shall be valid for a period of three (3) years from the date of issuance. The state fire marshal shall provide each certificate holder with a recertification application form at least sixty (60) days prior to the expiration of the certificate.

(c) Each application for recertification must be accompanied by a recertification fee as set by the state fire marshal. Such fee shall be reasonably related to the cost of maintaining certification and shall not be set at a level that would discourage compliance. All certificates shall be subject to late recertification for a period of sixty (60) days following their expiration date by payment of the prescribed fee, plus a penalty as set by the state fire marshal.

(d)(1) The state fire marshal may revoke the certification of any fire prevention or building official who does not properly enforce the provisions of this chapter. Any fire prevention or building official whose certification is revoked may appeal such revocation pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. No fire prevention or building official shall be authorized to enforce the provisions of this chapter while such official's revocation of certification is being appealed.

(2) In addition to any other penalty under law, any fire prevention or building official who knowingly fails to enforce the provisions of this chapter, and such intentional failure poses an immediate danger to the life, safety or welfare of another, commits a Class B misdemeanor.

(e) Each certificate holder shall be issued a card designating that the holder is qualified to perform inspections pursuant to the provisions of this chapter. Each certificate holder shall carry such card in such certificate holder's possession whenever such certificate holder is performing inspections pursuant to this chapter. The certificate card shall be exhibited upon request of the owner or authorized representative of the owner of the premises to be inspected.

(f) The state fire marshal shall establish, or contract for, training courses which shall be made available to local governmental employees with building inspection or fire safety responsibilities in order to enable them to acquire the knowledge and skills required to attain certification under this chapter.

(g) Implementation of the provisions of this section shall be subject to the funding being provided in the general appropriations act. [Acts 1991, ch. 412, § 1-3; T.C.A., § 68-18-113; Acts 1992, ch. 677, § 1; 1995, ch. 412, § 1.]